

FILED FEB 09 2009 07:44 AM DC-ORE

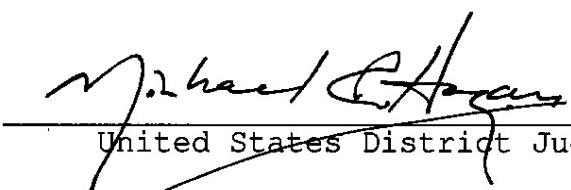
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SCOTT WILLIAM KYGER,)
)
Plaintiff,)
) Civil No. 07-481-TC
v.)
) ORDER
STATE OF OREGON, et al.,)
)
Defendants.)
)

Magistrate Judge Thomas M. Coffin filed his Findings and Recommendation on January 14, 2009. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1982). See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Judge Coffin's Findings and Recommendation. Defendants' motion for summary judgment (#37) is allowed in part and denied in part. Defendants' motion for summary judgment as to plaintiff's mail claim is denied. Defendants' motion for summary judgment as to plaintiff's denial of medical care claim is allowed as to any conduct alleged to have occurred prior to March 26, 2005, on the ground that any claims arising from such conduct are barred by the statute of limitations. Defendants' motion is denied as to plaintiff's claims arising from conduct alleged to have occurred after March 26, 2005. To the extent defendants' motion for summary judgment is denied, it is denied without prejudice to file a second motion for summary judgment on the merits of plaintiff's claims.

DATED this 6th day of February, 2009.



United States District Judge